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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,536	02/21/2002	Stefan Berger	YOR920010762US2	5938

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EXAMINER
GREENE, DANIEL L

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/082,536	BERGER ET AL.
	Examiner	Art Unit	
	Daniel L. Greene	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*19 September 2005*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-25,30,42,46 and 47* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-25,30,42,46 and 47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*21 February 2002*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*3/24/2005*</u>.

4)☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. <u>*11/21/2005*</u>.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20051121

DETAILED ACTION

Claim Objections

Claims 42, 46 and 47 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form. Claims 42, 46

and 47 describe a computer usable medium having computer readable program code to

affect the function/steps of Claims 1 and 30. The Examiner submits that placing the

methods of Claims 1 and 30 (Claims 1 and 30 performs the same functions) does not

further limit the claims. The methods/functions of the two claims would be accomplished

regardless of the medium the instructions were stored upon.

Claim 9 objected to because of the following informalities: Claim 9 is shown as

dependent on the withdrawn claim 5. It was suggested that the dependency is to claim

3.   Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rosenberg U.S. Patent 6,879,963 B1 [Rosenberg].

As per claims 1 and 30:

Rosenberg discloses:

routing a first portion of information to a first device and at least one other portion

of information to at least one other device in response to a user's query, said method

including: for example Col. 4, lines 10-40.

receiving said query and identifying said user's meeting a first identification

criterion, for example Col. 3, lines 15-30.

forming identification when said first identification criterion is met; for example

Col. 3, lines 30-45.

forwarding said first portion of information to said first device and said at least

one other portion of information to said at least one other device. for example Col 4,

lines 12-55.

Rosenberg discloses the claimed invention except for employing said

identification in forming said first portion of information and said at least one other

portion of information. It would have been obvious to one having ordinary skill in the art,

at the time of the invention was made, to employ said identification in forming said first

portion of information and said at least one other portion of information since it is known

in the art that during a transaction, the identification established for the buyer is

incorporated into all the actions of the transaction such that verification can be done on

the actions taken by tying them together with a common identifying number unique to

the transaction.

As per claim 2:

Rosenberg further discloses:

wherein said step of identifying is performed by an identifier, and step of

employing is performed by a respondent server. For example Col. 3, lines 2-30.

As per claim 3:

Rosenberg further discloses:

wherein said first device is a user device employed in making said query, and

said step of identifying includes identifying said user device employing identification

criteria. For example Col. 3, lines 25-35.

As per claim 4:

Rosenberg further discloses:

A method as recited in claim 3, wherein one of said identification criteria is a

criterion selected from a group of criteria including: identifying a device identification;

identifying a device group identification; identifying a user identification, identifying a

user group identification; authenticating user of said device by user identification and

password; employing a verification signature included in said query; employing an RFID

tag; employing a 3rd party mechanism; and any combination of said criterion. For

example Col. 3, lines 25-45.

As per claim 7:

Rosenberg further discloses:

comprising a first entity supplying said first device to a user. For example Col. 3,

lines 10-15.

As per claim 8:

Rosenberg further discloses:

wherein said first entity is a business and said user is a customer. For example

Col. 3, lines 10-15.

As per claim 9:

Rosenberg further discloses:

said user employing said first device in a session; and associating said user for

said session employing said verification. For example Col. 3, lines 15-35.

As per claim 10:

Rosenberg further discloses:

wherein said respondent server is. also said identifier. for example Col. 4,

lines 40-55.

As per claim 11:

Rosenberg further discloses:

wherein said step of receiving said query [and identifying] said user's meeting a

first identification criterion, includes at least one step from a group of steps including:

user pre-registering query; utilizing user criteria; selecting a hyper-link; sending mail.

For example Col. 4, lines 30-45.

As per claim 12:

Rosenberg further discloses:

wherein sand first portion of information includes private user information and

said at least one other portion of information includes public information. For example

Col. 3, lines 12-25.

As per claim 13:

Rosenberg further discloses:

wherein content included in said fist portion of information and/or included in

said at least one other portion of information is based on a preference criterion. For

example Col. 5, lines 1-20.

As per claim 14:

Rosenberg further discloses:

wherein said preference criterion is a criterion selected from a group of criteria

including: security level; user profile; user data; user history; preferred customer status;

user affiliation; user service level association; time of day; day of year, religion; ethnic

background; national background; gender; sexual orientation; demographic information;

context; inventory, classification level; and any combination of the above criterion. For

example for example Col. 5, lines 1-15.

As per claim 15:

Rosenberg further discloses:

changing preference criteria dynamically. For example Fig. 5.

As per claim 16:

Rosenberg further discloses:

wherein said step of changing preference criteria is performed dynamically during

a session. For example Fig. 5.

As per claim 17:

Rosenberg further discloses:

wherein preference criteria change dynamically during a session by a user. For

example Fig. 5.

As per claim 18:

Rosenberg further discloses:

forming a user profile database for a plurality of users. For example Col. 5,

lines 15-45.

As per claim 19:

Rosenberg further discloses:

forming a user profile database for a plurality of users based on said preference

criteria. For example Col. 5 lines 15-45.

As per claim 20:

Rosenberg further discloses:

wherein said step of forming is repeated in accordance with a database update

criterion. For example Col. 5, lines 15-45.

As per claim 21:

Rosenberg further discloses:

wherein said database update criterion is a criterion selected from a group of

criteria including:

change of preference criteria by user; change of identification criteria;

information, access; change of context; and any combination of the above criterion . For

example Col. 5, lines 15-35.

As per claim 22:

Rosenberg further discloses:

wherein said step of forming an identification when said first identification

criterion is met, includes:

identifying user; and

associating said user with said user profile. For example Col. 5, lines 15-35.

As per claim 23:

Rosenberg further discloses:

wherein said step of forming an identification when said first identification

criterion is met, includes:

identifying user;

associating said user with said identification criterion; for example Col. 5, lines

15-25.

As per claim 24:

Rosenberg further discloses:

wherein said step of forming an identification when said first identification

criterion is met includes:

associating said identification criterion with user profile. For example Col. 5, lines

14-34.

As per claim 25:

Rosenberg further discloses:

wherein said step of employing said identification in forming said first portion of

information and said at least one other portion of information, includes:

creating rules for forming said first portion and said at least one other portion

based on said preference criteria; For example Col. 3, lines 25-35, Col. 5, lines 1-35.

employing said rules to form said first portion and said at least one other portion;

for example Col. 3, lines 25-35, Col. 5, lines 1-35.

As per claim 42:

Rosenberg discloses:

An article of manufacture comprising a computer usable medium having

computer readable program cods means embodied therein for causing information

routing, the computer readable program code means in said article of manufacture

comprising computer readable program code means for causing a computer to effect

the steps of claim 1. For example Col. 6, lines 24-35.

As per claim 46:

Rosenberg discloses:

A program storage device readable by machine, tangibly embodying a program
of instructions executable by the machine to perform method steps for information
routing, said method steps comprising the steps of claim 1. For example Col. 6,
lines 24-35.

As per claim 47:

Rosenberg discloses:

A computer program product comprising a computer usable medium having
computer readable program code means embodied therein for causing routing, the
computer readable program code means in said computer program product comprising
computer readable program code means for causing a computer to effect the functions
of claim 30. For example Col. 6, lines 24-35.

Examiner's Note: Examiner has cited particular columns and line numbers in the
references as applied to the claims below for the convenience of the applicant.
Although the specified citations are representative of the teachings in the art and are
applied to the specific limitations within the individual claim, other passages and figures
may apply as well. It is respectfully requested from the applicant, in preparing the
responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Daniel L. Greene whose telephone number is 571-272-

6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
Art Unit 3621

11/23/2005

SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222